

U.S. Department of Labor

Board of Alien Labor Certification Appeals
1111 20th Street, N.W.
Washington, D.C. 20036



DATE: AUGUST 22, 1989

In the Matter of:

ATLANTIC SALES, INCORPORATED,
Employer,

88-INA-349

on behalf of

HUMBERTO GODINEZ,
Alien,

Before: Vittone, Deputy Chief Judge; Guill, Associate Chief
Judge; and Tureck, Administrative Law Judge

JAMES GUILL
Associate Chief Judge

**ORDER DENYING MOTION
FOR RECONSIDERATION**

On May 24, 1989, the Board of Alien Labor Certification Appeals issued a Decision and Order in the above-captioned matter which affirmed the Certifying Officer's denial of labor certification. On July 17, 1989, Employer filed a Motion for Reconsideration. In its Motion, Employer does not allege that the Board's decision-making process was, in some way, flawed or that the Board overlooked some important fact in the record. Such allegations, if demonstrated, are grounds on which a Motion For Reconsideration may be granted. In re Edelweiss Manufacturing Co., Inc., 87-INA-562 (November 10, 1988) (Decision and Order Denying Motion For Reconsideration). Rather, Employer disputes the Board's holding arguing facts and evidence which were not part of the record upon which the denial of certification was made. The Board may not consider facts and evidence which were not part of the record upon which the denial was made.¹ 20 C.F.R. §656.27(c); see also In re University of Texas at San Antonio, 88 INA 71 (May 9, 1988). Accordingly,

Employer's Motion for Reconsideration is hereby DENIED.

At Washington, D. C.

Entered: August 22, 1989

JAMES L. GUILL
Associate Chief Judge

JLG:BDC:ga

¹ Because the foregoing resolves this matter we need not decide whether Employer's motion was filed in a timely manner.

NOTICE OF PETITION FOR REVIEW: This Decision and Order will become the final decision of the Secretary unless within 20 days from the date of service a party petitions for review by the full Board. Such review is not favored and ordinarily will not be granted except (1) when full Board consideration is necessary to secure or maintain uniformity of its decisions, or (2) when the proceeding involves a question of exceptional importance. Petitions must be filed with the Chief Docket Clerk, Office of Administrative Law Judges, Suite 700, 1111 20th Street, N.W., Washington, D.C. 20036. The petition shall specify the basis for requesting full Board review with supporting authority, if any, and shall not exceed five double spaced pages. Responses, if any, shall be filed within ten days of service of the petition, and shall not exceed five double spaced pages. Upon the granting of a petition the Board may order briefs.